

**DELEGATION OF AUTHORITY
CLEAN AIR ACT (CAA)**

Administrative Enforcement Actions: New Source Review Orders

1. **AUTHORITY.** Pursuant to the Clean Air Act, to determine that a state is not acting in compliance with a requirement of the Interpretive Ruling on nonattainment new source review referred to in Section 129(a)(1) of the CAA Amendments of 1977 or a plan provision required under the CAA, and upon such a determination, to issue a new source review order under Section 113(a)(5).
2. **TO WHOM REDELEGATED.** To the director, Office of Compliance and Enforcement, or equivalent.
3. **LIMITATIONS.**
 - a. The office director must consult with the AA for OECA before exercising the above authority to issue administrative orders.
 - b. The AA for OECA may exercise these authorities in multi-regional cases or cases of national significance.
 - c. The AA for OECA must notify any affected office director before exercising the above authority to issue administrative orders.
 - d. The AA for OECA may waive, in writing, consultation requirements.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the unit manager level, and no further.
 - b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **SUPERSESSION.** This delegation supersedes R10 7-37 (08/02/2016) and any other delegation of the same authority.
6. **ADDITIONAL REFERENCES.**
 - a. Injunctive relief is covered by the Chapter 7 delegations entitled "Civil Judicial Enforcement Actions" and Emergency Temporary Restraining Orders."
 - b. Section 110(a)(2)(I) of CAA.
 - c. EPA Delegation 7-37.

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Date



Michelle L. Pirzadeh
Acting Regional Administrator